



Express Mail No. EB 132603464 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Aberg *et al.*

Confirmation No.: 9369

Application No.: 09/039,260
(Now U.S. Patent No. 7,214,683)

Group Art Unit: 1625

Filed: March 16, 1998

Examiner: Chang, C.

For: COMPOSITIONS OF
DESCARBOETHOXYLORATADINE

Attorney Docket No.: 4821-306
(JD 208423-999305)

Submission of Terminal Disclaimer and Provision for Fee

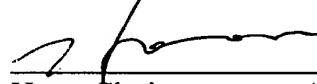
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please enter the attached terminal disclaimer into the above-identified file and please charge the fee of \$ 130.00, which is required under 37 C.F.R. § 1.20(d) for submission of terminal disclaimer, and any other required fees to Jones Day Deposit Account No. 503013.

A copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,


Hoon Choi L0209
JONES DAY (Ltd. Recog. No.)

Date May 30, 2007

For: Anthony M. Insogna (Reg. No. 35,203)
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Enclosure



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TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(c)

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P.O. Box 1450
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Sir:

Sepracor Inc. and University of Massachusetts are owners of the entire right, title and interest in and to U.S. Application No. 08/366,651, filed December 30, 1994, now U.S. Patent No. 5,595,997 ("the '997 patent"), and all continuations and divisionals thereof, by virtue of an assignment from G. Aberg, J. McCullough, and E. Smith to Sepracor Inc., which was recorded at Reel 007432, Frame 0712, and subsequent assignment from Sepracor Inc. of one half of its entire right, title and interest to University of Massachusetts, which was recorded at Reel 008754, Frame 0866.

Sepracor Inc. and University of Massachusetts are also the assignees of the entire right, title and interest in and to the above-identified application (now U.S. Patent No. 7,214,683) by virtue of the same assignments.

Sepracor Inc. and University of Massachusetts hereby disclaim the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the '997 patent, and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the '997 patent.

Sepracor Inc. and University of Massachusetts do not disclaim any terminal part of any patent granted on the above-identified application prior to the

expiration of the full statutory term of '997 patent in the event that the '997 patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

The undersigned are authorized to act on behalf of their respective organizations.

The undersigned hereby declare that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

For Sepracor Inc.

By: Robert T. Barker
Title: Asst. Secretary / Sr. Patent Counsel
Signature: Robert T. Barker
Date: 5/24/07

For University of Massachusetts:

By: James P. McNamara, Ph.D.
Title: Executive Director, OTM
Signature: James P. McNamara
Date: May 26, 2007